IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re app. of:	Markus Dierker et al.	Examiner:	Brian M. Gulledge
App. No.:	10/553,182 Conf. No.: 2215	Group Art Unit:	1619
Filed:	July 21, 2006	Docket No.:	C 2647 PCT/US (P40048 USA)

For: **Poly-α-Olefin-Containing Cosmetic Composition**

SUPPLEMENTAL DECLARATION OF MARKUS DIERKER UNDER 37 C.F.R. 1.132

I, Markus Dierker, state and declare that:

1. I am a co-inventor of this invention. I am currently employed by Cognis GmbH as a senior technology manager. I have held this position for about eight years. I have a B.S. degree (1997) in chemistry from the University of Muenster, Germany, and a Ph.D. degree (2001) in chemistry from the same university. I have extensive experience with cosmetic compositions containing poly-α-olefins and related hydrocarbon mixtures. I also have extensive experience with the dehydrating polymerization process.

2. I am aware of U.S. Patent Application Serial No. 10/553,182 and have reviewed the claims currently pending therein. I understand that previously pending claims 12-33 of this application have been rejected as allegedly being anticipated by Collin (US 6,464,967; "Collin"), and that previously pending claims 12-34 have been rejected as allegedly being obvious in view Hansenne et al. (US 5,747,009; "Hansenne") in view of Zander et al. (WO 03/035707; using US 2004/0267073 as English translation; "Zander"). I have reviewed these publications and the compositions disclosed therein.

3. "The Examiner notes that the rejection was based not on whether the mixtures disclosed are known, but rather the rejection was based on the material

disclosed as known in the art could be prepared using the method recited by the claims, and thus lies within the scope of the claims, and thus anticipating [sic] the claims." (Office Action, page 4, bottom, through page 5, top)

4. As a co-inventor of the present invention, and one skilled in the art, I attest to the following facts. Under the dehydrating polymerization conditions disclosed in the present application, including temperature and catalyst, pure alpha-olefins do not react to form poly-alpha-olefins. Instead, primary alcohols are required as starting materials under the claimed reaction conditions, in order to produce the "poly-alpha-olefin" mixture as presently disclosed.

This is more clearly demonstrated by the following observations:
In an experiment with commercially available alpha-olefins, no polymerization took place under the typical dehydrating polymerization conditions.
When starting with a mixture of commercially available alpha-olefins and alcohols the formation of poly-alpha-olefins can be observed. The amount of formed poly-alpha-olefins is higher than the amount of alcohol starting material, this can be explained by the formation of an active intermediate species from the alcohol which is able to react with the alpha-olefin.

Therefore, applicants' process steps as presently claimed cannot be used with the art-standard pure alpha-olefin monomers, in order to obtain applicants' poly-alpha-olefin product, or a polymer related to applicants' product. Indeed, no polymer is formed at all.

5. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Markus Dierker

19.11.10

Date